



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 25, 2004

Ch. 3
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-34
270 EAST 17TH STREET, SUITE 14

DATE: OCTOBER 14, 2004

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

The applicant proposes to establish a wine boutique with wine tasting, and requests the Planning Commission make the public convenience or necessity finding to allow the sale of wine.

APPLICANT

Jeff Adams is representing the property owner Wohl/17th Street, LLC.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

WENDY SHIH
Associate Planner

PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

The applicant proposes to occupy a 1,620 sq.ft. suite at 17th Street Promenade for a wine boutique (WineStyles), which would include wine tasting and sale of wine and wine accessories.

The proposed use is categorized under "liquor stores" because it is a retail store less than 10,000 sq.ft. in area that sells limited alcoholic beverages. Liquor stores require a conditional use permit per Sec. 13-30 (88) of the Zoning Code.

A determination of public convenience and necessity is required for the sale of wine for off-site consumption because the census tract exceeds the ratio of off-sale licenses to population as determined by the State.

ANALYSIS

It is staff's opinion that the proposed use would not negatively impact the area because it is not a traditional liquor store where a variety of items (food, non-food, beers and wine) are sold. WineStyles will only sell wine and wine accessories with wine tasting opportunities, aimed to attract upscale customers. The hours of operation will be 10 a.m. to 8 p.m., similar to other retail businesses in the center.

According to ABC (State Department of Alcoholic Beverage Control), the census tract in which the use is proposed is located within an over-concentrated area of off-sale licenses (2 licenses allowed; 8 existing). However, it is not located within a high crime area (high crime area is defined as exceeding the City-wide average crime rate by more than 20 percent).

Staff feels that a finding of public convenience can be made since the sale of alcohol will be wine only with wine tasting to assist customers in the wine selection process. If approved, WineStyles will be the only store within the center to have off-sale alcohol (wine). The existing liquor store will be replaced by Diedrich's, as their lease expires in December of this year. The Police Department has reviewed the request and has no objections to the proposed use.

The applicant will apply for an ABC license if the conditional use permit for the wine boutique is approved. Since the application would be for an original ABC license, Planning Commission may require the applicant to acquire and transfer a license from inside the City, thereby not increasing the citywide number of ABC licenses.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the CUP for a wine boutique and make the finding for public convenience or necessity, which would allow an original ABC license for the proposed use.
2. Approve the CUP and make the finding for public convenience and necessity, subject to requiring transfer of an ABC license from inside the City for the proposed use.
3. Deny the application, which would prohibit WineStyles from occupying the suite.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Since the proposed alcohol sales will be wine only with normal retail store hours of operation, no impacts on the surrounding properties are anticipated. Staff believes that Planning Commission can make a finding of public convenience without any resulting adverse impact on the surrounding community.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Jeff Adams
 16141 Pitman Lane
 Huntington Beach, CA 92647

Peter Desforges
 Wohl/17th Street, LLC
 2402 Michelson, Ste. 170
 Irvine, CA 92657

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: PA-04-34

Environmental Determination:

Address: 270 E. 17th St. #14

1. Fully describe your request: I am applying for a CUP in the process of opening a wine boutique at 270 E. 17th Street in Costa Mesa. The store will sell only wine and wine accessories. There will also be regular wine tastings. The hours of operation will be 10:00 am - 8:00 pm. The store will focus on creating comfortable wine buying experience. (See attached for PCN information.)
2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area. When the store opens it will be the only location in the center that will have off site liquor (wine) sales. This store will benefit the center and the local community by bringing upscale customers into the area.
- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate) N/A

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Signature

Date

9/3/04

Why WineStyles is Different

At WineStyles our mission is to bring superb world class wines to wine-lovers coast to coast at affordable everyday prices. While conventional wine, liquor and warehouse outlets line their shelves with highly advertised brands with fancy labels and equivalent price tags, WineStyles specializes in hard to find wines from large and small vineyards that bring exceptional value and taste to your table.

WineStyles transports the wine country directly to your neighborhood and takes the guesswork out of selecting a wine that fits your individual style or occasion and makes learning about wine both easy and enjoyable.

At WineStyles we sell wines by style. For centuries, wines have been identified by either the grape variety or the geographic region where the wine is produced. For the consumer, this does little to hint at how the wine actually tastes. Today, "wines by style" offers a unique approach to understanding wine specific to your individual taste.

For example, you might love a CRISP, refreshing, almost thirst quenching California Chardonnay; you would be disappointed by a RICH, oaky, buttery California Chardonnay. They are both California, both Chardonnays, but taste worlds apart.

Finding the right wine is as easy as finding your own style. Style of wine, that is. Arranged by color and taste, instead of by region or varietal, all our wines are categorized to match your individual taste and preference. Your favorite White may be Crisp, Smooth, Rich, or Bubbly. Or perhaps you prefer the Reds in Fruity, Mellow, Bold or Nectar. The different "styles" identify specific flavors, body and essence of the wine. Matching the right wine with the right food becomes fun and easy with the suggested pairing.

The "experience" of selecting and purchasing your wine should be fun, simple and satisfying. When you choose a wine from WineStyles, you always go home with a wine that satisfies your individual taste at an affordable price that keeps you coming back for more.

Walking into a WineStyles store is like taking a journey to the wine country. Our ambience is warm and tinged with authenticity, as though you were visiting a wine cellar in an old European village. From your first step through the doorway, upon the color worn floors, you are transcended to another place and time.

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-04-34.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, an application was filed by Jeff Adams, authorized agent for Wohl/17th Street, LLC with respect to the real property located at 270 E. 17th Street, Ste. 14, requesting approval of a conditional use permit to establish a wine boutique and to make the public convenience or necessity finding to allow the sale of wine in the C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 25, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-04-34 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-04-34 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 25th day of October, 2004.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 25, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

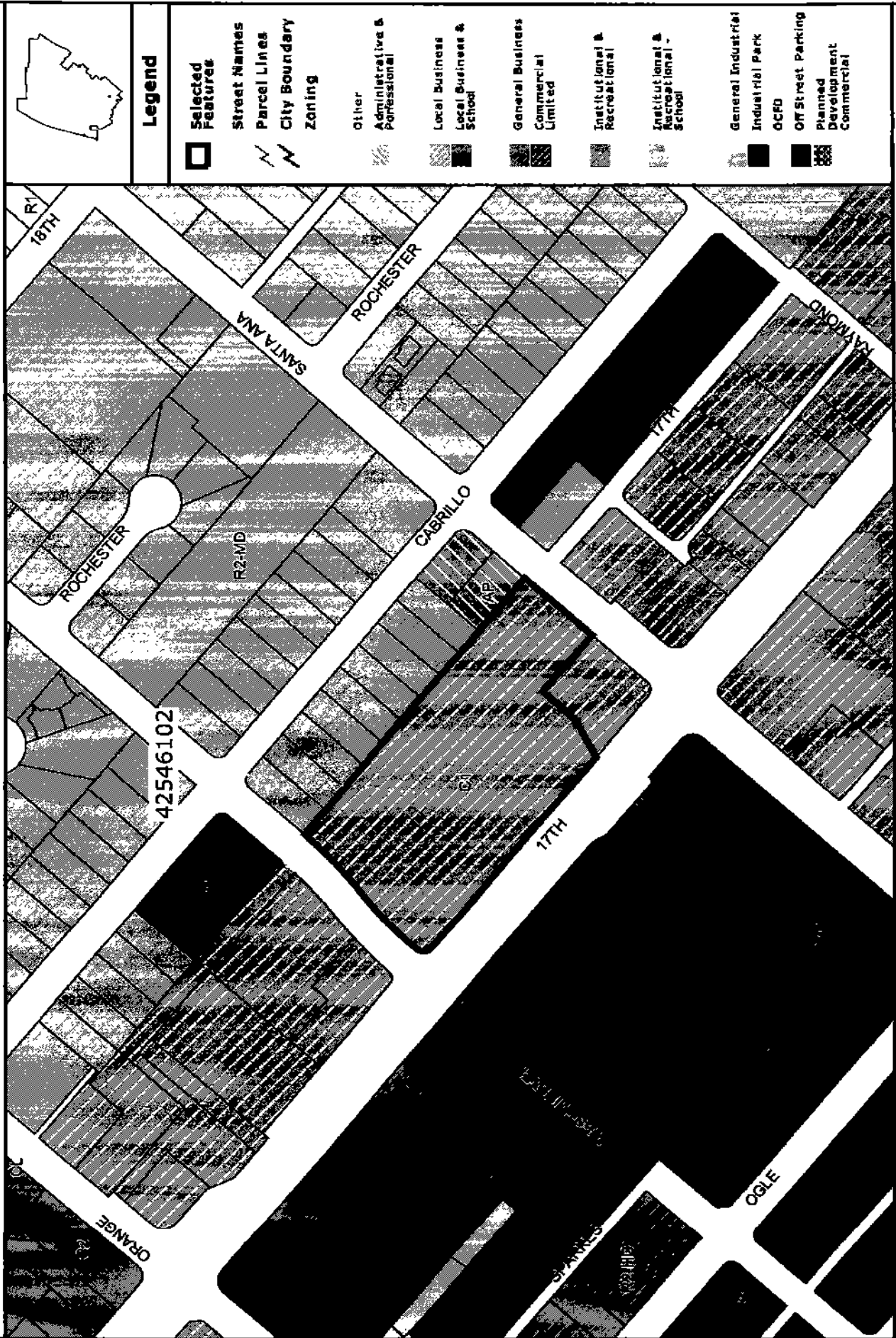
- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29 (g)(2) in that the proposed wine boutique is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the sale of alcohol will be limited to wine only within normal retail store hours (no late-night sales) and the use is unlike a traditional "liquor store" where various food, non-food, and beverages are sold. The wine boutique would target a smaller range of customers than a liquor store.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

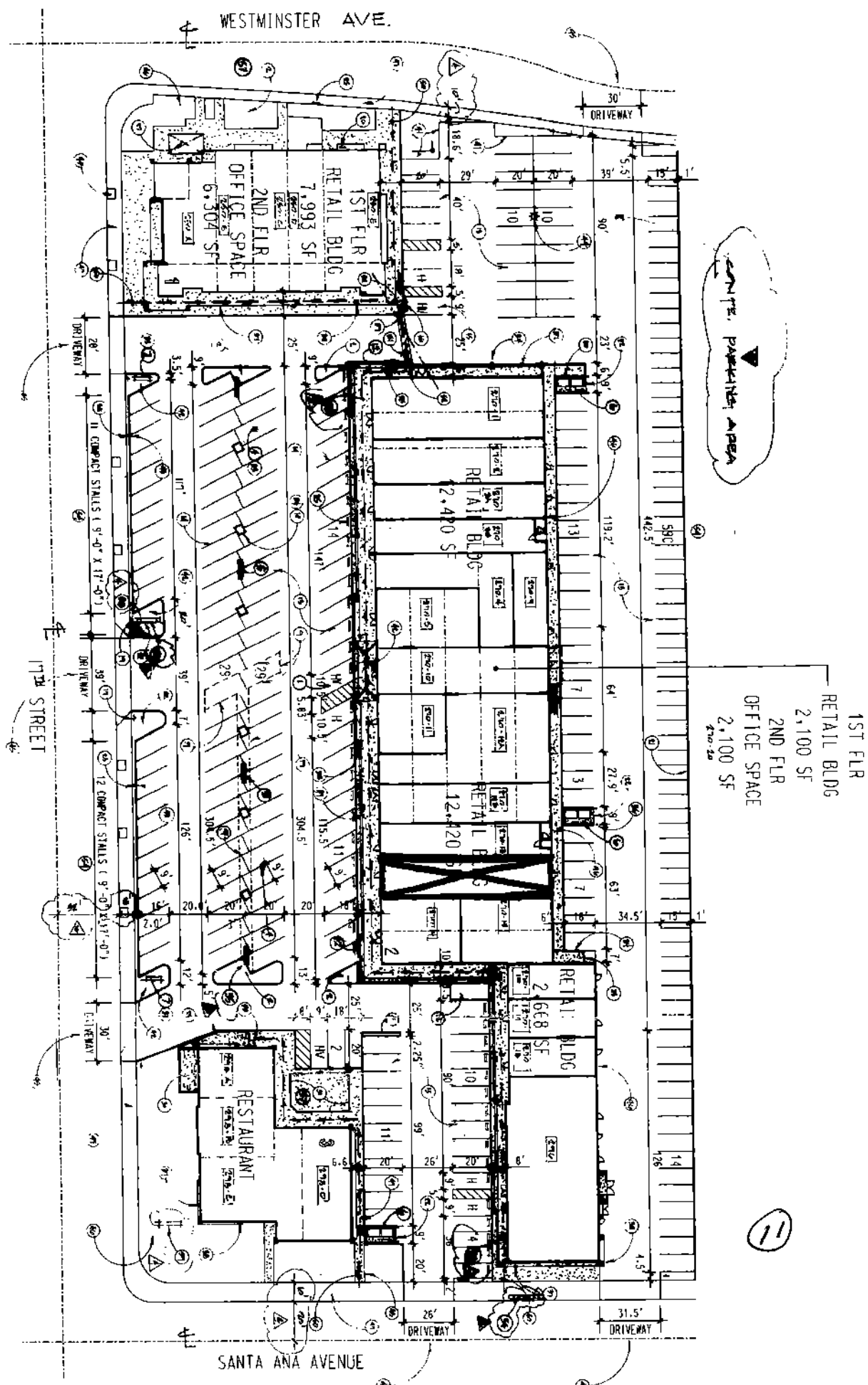
EXHIBIT "B"**CONDITIONS OF APPROVAL**

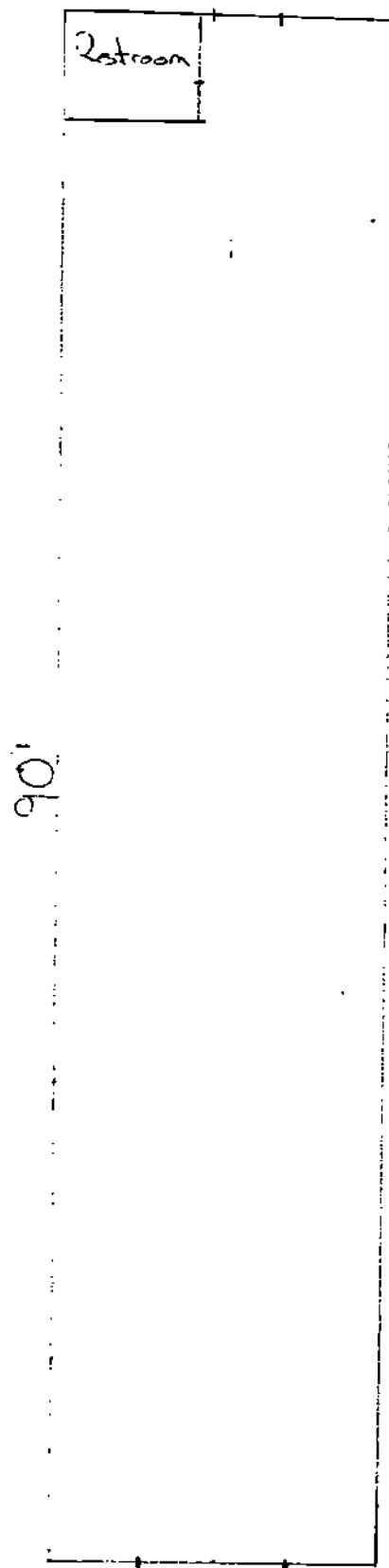
- Plng.
1. Alcoholic beverage sales shall be limited to wine only.
 2. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged 2 years or more and maintained in cork bottles.
 3. The hours of operation shall be limited to 10 a.m. and 8 p.m. daily.
 4. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas which applicant has control, to prevent trash, graffiti, and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
 5. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 7. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.

ZONING/LOCATION MAP

PA-04-36







(12)

18'

scale: 1" = 7'